



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2013 LRB-2478/P3 (For: Rep. Vruwink)

has been copied/added to the drafting file for

2013 LRB-1449 (For: Re. Vruwink)

Are These "Companion Bills" ?? ... No



RESEARCH APPENDIX - **PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 10/02/2013 (Per: TJD)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2013 DRAFTING REQUEST

Bill

Received: **3/15/2013** Received By: **tdodge**
Wanted: **As time permits** Same as LRB:
For: **Amy Sue Vruwink (608) 266-8366** By/Representing: **Karl Franzen**
May Contact: Drafter: **tdodge**
Subject: **Occupational Reg. - prof lic** Addl. Drafters: **mduchek**

Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Vruwink@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
michael.duchek@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Licensure of coroners, medical examiners, and medicolegal investigation staff

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|----------------------|---------------------|----------------|--------------------|-----------------|-----------------|
| /? | tdodge 5/30/2013 | | | _____ | | | |
| /P1 | mduchek 6/18/2013 | scalvin 6/20/2013 | phenry 6/20/2013 | _____ | srose 5/31/2013 | | |
| /P2 | mduchek | evinz | jfrantze | _____ | sbasford | | Crime |

LRB-2478

8/20/2013 2:59:20 PM

Page 2

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| | 8/19/2013 | 8/20/2013 | 8/20/2013 | _____ | 7/17/2013 | | |
| /P3 | | | | _____ | sbasford | | State |
| | | | | _____ | 8/20/2013 | | S&L |
| | | | | | | | Crime |

FE Sent For:

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Subject: **Occupational Reg. - prof lic** Addl. Drafters: **mduchek**

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michael.duchek@legis.wisconsin.gov

Pre Topic:

No specific pre topic given



Topic:

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Instructions:

See attached

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| /? | tdodge 5/30/2013 | |  |  20 | | | |
| /P1 | mduchek 6/18/2013 | scalvin 6/20/2013 | phenry 6/20/2013 | | srose 5/31/2013 | | |
| /P2 | mduchek | scalvin | jmurphy | | sbasford | | Crime |

LRB-2478

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Page 2

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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FE Sent For:

p3 eev
8/20/13

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Subject: Occupational Reg. - prof lic Addl. Drafters: mduchek

Extra Copies:

Submit via email: YES
Requester's email: Rep.Vruwink@legis.wisconsin.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov
michael.duchek@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Licensure of coroners, medical examiners, and medicolegal investigation staff

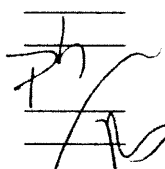
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Drafting History:

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FE Sent For:

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07/17/2013

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am + RS
7/17

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Instructions:

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| 1/? | tdodge | PI SAC 05/31/2013 |  | ph 5/31 | | | |

FE Sent For:

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Duchek, Michael

From: Franzen, Karl
Sent: Friday, August 16, 2013 1:46 PM
To: Duchek, Michael
Subject: RE: Draft comments

Yes, I suppose I could have made that simpler by only addressing the change that needed to be made.

At this time, let us get one more preliminary draft. We are still in conversations about whether this will be introduced as one or two bills.

Thank you,

Karl F. Franzen
Office of Rep. Amy Sue Vruwink
State Capitol, Room 112 North
P.O. Box 8953, Madison, WI 53708-8953
608-266-8366 (office) | 888-534-0070 (toll free)
karl.franzen@legis.wisconsin.gov

From: Duchek, Michael
Sent: Friday, August 16, 2013 1:44 PM
To: Franzen, Karl
Subject: RE: Draft comments

Karl,

It looks like at this point you are only requesting one change (below, in red). So I can add a provision requiring a person to inform the board when they are elected/appointed/hired and when they leave their position. Is that correct?

As for the next step, did you now want an introducible bill, or another preliminary draft? Did you still want to consider combining this with the other draft? Or, do you want me to just hold off on doing anything?

-Mike

From: Franzen, Karl
Sent: Friday, August 16, 2013 1:34 PM
To: Duchek, Michael
Subject: Draft comments

Thank you Michael. In response to your comments/questions:

20.165 (1) (hr): yes, consistent with intent

440.03 (13) (b) 38m: makes sense

440.08 (2) (a) 46t: this is okay

463.05 (1): First note is okay; second note concerning informing the board of incoming or departing coroners/MEs. This would be helpful.

1
463.05 (2): Yes, fee language accomplishes intent

463.15: I understand what you mean; however, it makes sense to me to keep the title and duty referred to separately for misdemeanor language, especially since we do not want to overly define the duties of coroner

463.10: changes look good, including for licenses provided to individuals who are not required to have them.

End comment: keep one year delay for now. Will change closer to bill intro if needed.

Thank you.

Karl F. Franzen

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karl.franzen@legis.wisconsin.gov

Dodge, Tamara

From: Franzen, Karl
Sent: Friday, March 15, 2013 2:57 PM
To: Dodge, Tamara
Subject: RE: Coroner bill

Hi Tami –

As mentioned, we are going to add to this draft. We are going to add the creation of an oversight board and are looking for language similar to a previous bill from 2007-08 Session (AB 783, LRB-2766). I have attached relevant parts here. The difference is that the board should be under DSPS, not DOJ. Let me know if you have questions.

Thank you.

Karl F. Franzen
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888-534-0070 (toll free)
karl.franzen@legis.wisconsin.gov



2007 - 2008 Legislature

- 7 -

LRB-2766/2
RLR:bjk:rs

ASSEMBLY BILL 783

mental health treatment records without informed consent for the purpose of conducting a death investigation.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.255 (3) of the statutes is created to read:

2 15.255 (3) BOARD ON MEDICOLEGAL INVESTIGATIONS. There is created a board on
3 medicolegal investigations that is attached to the department of justice under s.
4 15.03 and that shall consist of the following members appointed for staggered 6-year
5 terms:

6 (a) A coroner, a medical examiner, and a forensic pathologist, who are members
7 of the Wisconsin Coroners and Medical Examiners Association.

8 (b) A member of the Wisconsin Funeral Directors Association.

9 (c) A member of the Wisconsin District Attorney's Association.

10 (d) A member of the Wisconsin Sheriffs and Deputy Sheriffs Association.

11 (e) A member of the Wisconsin Chiefs of Police Association, Inc.

12 (f) A member of the Wisconsin Counties Association.

13 (g) The attorney general or his or her designee.

14 (h) The state public defender or his or her designee.

15 **SECTION 2.** 17.103 of the statutes is created to read:

16 **17.103 Cause to remove coroner or medical examiner.** Failure of a
17 coroner to satisfy the testing and training requirements for coroners under s. 165.65
18 (1) constitutes cause for the governor to remove a coroner under s. 17.09 (5). Failure
19 of a medical examiner to satisfy the testing or training requirements for medical

2007 - 2008 Legislature

- 15 -

LRB-2766/2
RLR:hjk/rs
SECTION 28

ASSEMBLY BILL 783

1 165.50 (4) The attorney general may order and represent the state in an
2 inquest as provided under s. 979.04 (1) or may order a preliminary investigation into
3 a death as provided under s. 979.04 (3).

4 **SECTION 29.** 165.65 of the statutes is created to read:

5 **165.65 Board on medicolegal investigations.** The board on medicolegal
6 investigations shall do all of the following:

7 (1) Promulgate rules establishing testing and training requirements for
8 coroners, deputy coroners, medical examiners, and medical examiners' assistants.

9 (2) If a coroner does not satisfy the testing and training requirements for
10 coroners under sub. (1), notify the governor and the appropriate county board.

11 (3) If a medical examiner does not satisfy the training and testing requirement
12 for medical examiners under sub. (1), notify the appropriate county board.

13 (4) Promulgate rules establishing standards for the content and maintenance
14 of coroner and medical examiner death investigation records under s. 979.032.

15 (5) Promulgate rules regarding public access to coroner and medical examiner
16 death investigation records under s. 979.032.

17 (6) Create a form that coroners and medical examiners shall use to issue
18 permits for disinterment or reinterment under s. 69.18 (4).

19 **SECTION 30.** 346.71 (2) of the statutes is amended to read:

20 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
21 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
22 electric personal assistive mobility device operator 14 years of age or older and who
23 died within 6 hours of the time of the accident, the coroner or medical examiner of
24 the county where the death occurred shall require that a blood specimen of at least
25 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her

Dodge, Tamara

From: Franzen, Karl
Sent: Tuesday, April 23, 2013 2:36 PM
To: Dodge, Tamara
Subject: RE: Coroner draft questions

Hi Tami,

Thanks for the questions. I'm going to answer in stages. I'll try to answer succinctly. Please call if you want/need clarification.

1. It is not our intention to change requirements to run for coroner and that would hold true for running for re-election as well. If an elected coroner did not get their 24 hours in the second two years, they could still run for re-election; however, if they continued to not comply after winning re-election, then the Board would follow through on process toward recommendation for removal. So – yes, they can be on ballot, yes they can be on ballot if in process of being removed, yes they can be on the ballot if they had their license revoked before. Since that is the case, nomination paper deadlines will not play a role. We also do not want to put licensing requirements on Governor appointees to fill vacancies. Rather, those appointees should be treated as a newly elected coroner...they would have two years to complete 40, etc etc.

County Boards can hire whoever they wish for medical examiner, even if they have had their license revoked. However, without a license, that individual will not be able to perform death investigations.

2. Individuals could certainly get training individually prior to becoming a coroner. If that were the case, and they had the proper certification at the time of election or hire, they would go immediately to the 24 hours/2 years continuing education requirement. We had not considered a licensing fee. Let me get back to you on that.
3. I'm not sure I like the term probationary license...In my opinion, they get a license, but initially must complete 40 hours to keep it rather than 24. Really, its always probationary in that the requirements have to be continually maintained. However, yes – any staff needing licensing can be hired without existing training. Not all staff need a license – only those who are conducting death investigations. Appropriate terms could be "Coroner, Chief Deputy Coroner, Deputy Coroner, Medical Examiner, Chief Deputy Medical Examiner, Deputy Medical Examiner" or collectively medicolegal death investigators. Funding will be included for individuals who need the license – not for the administrative staff interested in advancing their certification, but do not conduct death investigations as part of their job.
4. The Director would be appointed by the Governor, but not be a member of the board. DSPS, not the Board, would hire the employees – not the board. Guidance on this came from the Governor's office, but I will explore this more and get back to you.

Thank you for the efforts. We are hoping that we can get a final draft pretty soon. I'll be in touch on what I've promised soon.

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888-534-0070 (toll free)
karl.franzen@legis.wisconsin.gov

From: Dodge, Tamara
Sent: Thursday, April 18, 2013 11:18 AM
To: Franzen, Karl
Cc: Duchek, Michael
Subject: Coroner draft questions

Karl,

As I mentioned earlier in the week, I have some questions on the coroner draft. Since the board and qualifications provision would be drafted in DSPS, I am copying Mike Duchek of our office on this email as he will be assisting in drafting those DSPS provisions.

Your office used the phrase "lay medical examiners" and I am using "non-physician medical examiners" to describe those individuals.

1. Election of coroners. I seem to be running into problems drafting coroner provisions because of the election involved. What happens to coroners who get the first 40 hours of education but fail to maintain the next 24 hours? Can they be on the ballot for reelection? Can they be on the ballot if their license has been revoked and they are in the process of being removed? Can they ever get on a ballot again if their license has ever been revoked? What if they are on the ballot and their license is revoked?

If the coroner needs to have satisfied their education requirements before reelection, does this mean they need to have the education hours before the time nomination papers are due, which would give them less than 2 years?

Part of what makes this complicated is the dichotomy between brand new coroners and coroners running for reelection. For someone with no experience, he or she doesn't need a license or any experience ahead of time and so can just get right on the ballot. A coroner who is running for reelection must have the appropriate hours and a valid license. As a comparison, district attorneys must have a law license to get on the ballot, but they need the license prior to their first swearing in and need the license for every subsequent reelection bid. There is no difference in qualification between a brand new D.A. and one running for reelection.

Also, what happens if a vacancy occurs in the office of coroner. The Wisconsin Constitution provides for appointment by the governor, but what requirements does that individual need to fulfill for the remainder of the term? Can the governor appoint someone with no medicolegal investigation education?

For non-physician medical examiners, will I need to direct the county board not to appoint a medical examiner whose license has been revoked?

2. Will the coroners, medical examiners, or staff be able to pay for education so they can get licensed before running for or being appointed to the position? In many professions the license to practice the profession is separate from the employment in the profession. For example, I went to law school and obtained my law license. I can pay for continuing legal education to maintain my law license even if I am not working as a lawyer. Will the situation be the same here? Is there a licensing fee for acting coroners, medical examiners, or staff or for individuals who are not yet coroners, medical examiners, or staff?
3. We discussed that coroners and non-physician medical examiners can get a probationary license upon election or appointment even with no experience or medicolegal investigation education. What about the medicolegal investigation staff? Do they all get probationary licenses too or should there be some other way of

grandfathering them in? Should a coroner or medical examiner be prohibited from hiring or appointing staff who are not licensed? Deputy coroner or Chief Deputy Death investigators....
Will staff get the first two years of education paid for by the state too?

4. Director. If I am understanding correctly, the board members are appointed by the governor and the deputy director is also appointed by the governor. That seems very unusual for an examining board, which is what I expect this board will be. If there is a dispute between the board and the deputy director, who prevails?

Is the director on the board?

What are the director's powers and duties considering that there is a board and the board is attached to DSPS?

How does the director interact with DSPS? (The statutes provide that disputes between the examining board and the secretary of DSPS are mediated by the governor.)

Have you spoken to DSPS about how examining boards work and how your idea fits into their typical mode of operation of examining boards?

Also, DSPS usually hires their own employees, but here it sounds like you want the board to hire the employees, is that correct?

Those are the big issues for now, please let me know if you have any questions.

Thanks,

Tami

Tamara J. Dodge

Attorney

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 267 - 7380

tamara.dodge@legis.wisconsin.gov

Dodge, Tamara

From: Franzen, Karl
Sent: Friday, May 10, 2013 2:11 PM
To: Dodge, Tamara
Subject: Update

Hi Tami,

How's it going? I realize I still owe you a couple answers. Here's one – the draft language should permit the board to approve a licensing fee although it should be clear that the fee should be reasonable and not intended to be a funding source for large programs.

I will be in touch with what I understand to be the last aspect – exact structure of position Monday. Hopefully, we can get a draft soon after, even if still rough, next week.

Thanks,

Karl F. Franzen
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karl.franzen@legis.wisconsin.gov

Dodge, Tamara

From: Franzen, Karl
Sent: Tuesday, May 14, 2013 12:16 PM
To: Dodge, Tamara
Subject: Final question

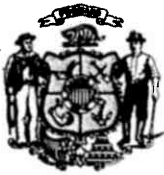
1. Director. If I am understanding correctly, the board members are appointed by the governor and the deputy director is also appointed by the governor. That seems very unusual for an examining board, which is what I expect this board will be. If there is a dispute between the board and the deputy director, who prevails? Is the director on the board?
What are the director's powers and duties considering that there is a board and the board is attached to DSPS? How does the director interact with DSPS? (The statutes provide that disputes between the examining board and the secretary of DSPS are mediated by the governor.)
Have you spoken to DSPS about how examining boards work and how your idea fits into their typical mode of operation of examining boards?
Also, DSPS usually hires their own employees, but here it sounds like you want the board to hire the employees, is that correct?

Tami,

We are going to structure this as an examining board consistent with existing DSPS structure. Therefore, the board will be assigned to an Executive Director and other support functions will be provided by existing DSPS departments. The Office of Exam and Education will carry out board decisions regarding training requirements. DSPS will hire any support necessary, so we will keep language discussing the intended duties of the project position.

Is that enough? Need more from me?

Karl F. Franzen
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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2478/P1
TJD&MED:/:....
sac

In 5/31/13 Due today
end of business

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** ^{for act}; relating to: creating a medicolegal investigation examining board;
2 licensure of coroners, medical examiners, and medicolegal investigation staff
3 members; granting rule-making authority; and making an appropriation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 15.405 (18) of the statutes is created to read:
5 15.405 (18) MEDICOLEGAL INVESTIGATION EXAMINING BOARD. There is created a
6 medicolegal investigation examining board in the department of safety and
7 professional services that shall consist of the following members appointed for
8 6-year terms:
9 (a) One coroner, one medical examiner, and one forensic pathologist, each of
10 whom are members of the Wisconsin Coroners and Medical Examiners Association.

- 1 (b) One licensed funeral director.
- 2 (c) One member of the Wisconsin District Attorneys' Association.✓
- 3 (d) One member of the Wisconsin Sheriffs and Deputy Sheriffs Association.✓
- 4 (e) One member of the Wisconsin Chiefs of Police Association.✓
- 5 (f) One member of the Wisconsin Counties Association.✓
- 6 (g) The attorney general or his or her designee.
- 7 (h) The state public defender or his or her designee.
- 8 (i) One public member.

****NOTE: Note that the public member appointed to the board will be subject to the provisions in s. 15.08 (1m), stats. If that person should be exempted from any of those provisions, let me know.

9 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
10 the following amounts for the purposes indicated:

11 2013-14 2014-15

12 **20.165 Safety and professional services,**
13 **department of.**

14 (1) PROFESSIONAL REGULATION AND ADMINISTRATIVE
15 SERVICES.

16 (b) *Medicolegal investigation*

17 *examining board.* GPR B 750,000 750,000

****NOTE: By law, unless there is an emergency, this bill may not pass until after the budget.

****NOTE: Please confirm that this is the appropriate type of appropriation you want created and how much money you want specified in each fiscal year, for purposes of base budgeting in succeeding fiscal biennia.

18 **SECTION 3.** 20.165^x (1) (b) of the statutes is created to read:

19 20.165 (1) (b) *Medicolegal investigation examining board.* Biennially, the
20 amounts in the schedule to provide the first 40 hours of education for each licensed

1 coroner, non-physician medical examiner, and medicolegal investigation staff
2 member under s. 463.10; to establish regional training centers under s. 463.05 (1) (c);
3 to obtain, accredit, and provide for handling for a cadaver dog; and to provide support
4 to the medicolegal investigation examining board in the performance of its duties
5 and functions.

6 ^x
SECTION 4. 20.165 (1) (g) of the statutes is amended to read:

7 20.165 (1) (g) *General program operations.* The amounts in the schedule for
8 the licensing, rule making, and regulatory functions of the department, other than
9 the licensing, rule-making, and credentialing functions of the medical examining
10 board and the affiliated credentialing boards attached to the medical examining
11 board and except for preparing, administering, and grading examinations. Ninety
12 percent of all moneys received under chs. 440 to 480, except ~~ch.~~ chs. 448 and 463, ss.
13 440.03 (13), 440.05 (1) (b), and 446.02 (3) (a), less \$10 of each renewal fee received
14 under s. 452.12 (5), and all moneys transferred from the appropriation under par. (i)
15 and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

16 SECTION 5. 440.03 (9) (a) (intro.) of the statutes is amended to read:

17 440.03 (9) (a) Subject to pars. (b) and (c) and except as provided in par. (bm),
18 the department shall, biennially, determine each fee for an initial credential for
19 which no examination is required, for a reciprocal credential, and for a credential
20 renewal by doing all of the following:

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32; 2001 a. 16, 66, 80; 2003 a. 151; 2005 a. 25; 2007 a. 20 ss. 3449 to 3462, 9121 (6) (a); 2007 a. 153, 189; 2009 a. 28, 130, 276, 282, 355; 2011 a. 32, 146, 160, 190, 255.

****NOTE: For most other credentials, DSPS establishes initial credential fees and renewal fees using the process under s. 440.03 (9) (a). I therefore created an exemption from this provision. Is that OK?

21 ^x
SECTION 6. 440.03 (9) (bm) of the statutes is created to read:

SECTION 6

1 **440.03 (9) (bm)** The medicolegal investigation examining board may set the
2 amount of fees for licenses issued under s. 463.10 (5) (a), in accordance with s. 463.10
3 (5) (a) 3.✓

SECTION 7. 440.05 (intro.) of the statutes is amended to read:

5 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
6 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.11,
7 446.02 (2) (c), 447.04 (2) (c) 2., 449.17 (1m) (d), ~~and 449.18 (2) (d), and 463.10 (2) (e)~~
8 ~~and (5) (a) 3.~~:

History: 1977 c. 29, 418; 1979 c. 34; 1979 c. 175 s. 33; 1979 c. 221 s. 2202 (45); 1983 a. 27; 1985 a. 29; 1987 a. 264, 265, 329, 399, 403; 1989 a. 31, 229, 307, 316, 336, 340, 341, 359; 1991 a. 39, 269, 278, 315; 1993 a. 16; 1995 a. 27; 1997 a. 27, 96; 1999 a. 9; 2001 a. 16; 2003 a. 150, 270, 285, 327; 2005 a. 25, 297; 2007 a. 20; 2011 a. 209.

9 SECTION 8. 440.08 (2) (a) (intro.) of the statutes is amended to read:

10 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
11 444.03, 444.11, 447.04 (2) (c) 2., 448.065, 449.17 (1m) (d), ~~and~~ 449.18 (2) (d), and
12 463.10 (2) (d) and (5) (b) the renewal dates for credentials are as follows:

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 360; 1999 a. 9, 32; 2001 a. 16, 70, 74, 80, 809; 2003 a. 150, 270, 285, 327; 2005 a. 25, 31, 242, 292, 297, 407; 2007 a. 20, 174, 189; 2009 a. 28, 29, 106, 130, 174, 282, 355, 360; 2011 a. 160, 190, 258; s. 35.17 correction in (3) (b).

SECTION 9. Chapter 463 of the statutes is created to read:

CHAPTER 463

MEDICOLEGAL INVESTIGATION

16 **463.01 Definitions.** In this chapter:

17 (1) "Board" means the medicolegal investigation examining board.

18 (2) "Medical examiner" means a non-physician medical examiner or a
19 physician medical examiner.

(3) "Medicolegal investigation staff member" includes a chief deputy coroner, a deputy coroner, a deputy medical examiner, a medicolegal investigator, and any individual who assists the office of a coroner or medical examiner with an investigation of a death. "Medicolegal investigation staff member" does not include

1 an individual performing solely administrative functions in the office of a coroner or
2 medical examiner.

3 (4) "Non-physician medical examiner" means an appointed medical examiner
4 who is not a physician.

5 (5) "Physician" has the meaning given in s. 448.01 (5). ✓

6 (6) "Physician medical examiner" means an appointed medical examiner who
7 is a physician.

8 **463.05 Powers and duties of board.** (1) DUTIES. The board shall do all of
9 the following:

10 (a) Promulgate rules specifying standards and curricula for the educational
11 requirements for individuals who possess a license in medicolegal investigation.

12 (b) Ensure proper accreditation and handling of a cadaver dog.

13 (c) Establish regional training centers to provide the education described in s.
14 463.10 (3) and (5). ✓

15 (d) Monitor compliance with the licensure requirements under this chapter.

16 (e) Oversee coordination of training and standards for coroners, medical
17 examiners, and medicolegal investigation staff members by certifying instructors
18 and approving curricula.

19 (2) POWERS. The board may promulgate and enforce any rules not inconsistent
20 with this chapter to enforce this chapter.

21 **463.10 License required; requirements to maintain license.** (1) LICENSE
22 REQUIRED. (a) Except as provided in par. (b), no person may perform a death
23 investigation or perform the functions of a coroner, medical examiner, or medicolegal
24 investigation staff member without a license in medicolegal investigation issued
25 under this chapter.

****NOTE: Do you want to specify in further detail what a death investigation is?

****NOTE: Do you want to specify penalties for a violation of this provision, or for violations of other provisions in this chapter?

1 (b) A physician medical examiner is not required to have a medicolegal
2 investigation license issued under this chapter.

3 (2) ISSUING OF LICENSES. (a) The board shall issue a license in medicolegal
4 investigation to an individual who is elected as a coroner or appointed to fill a
5 vacancy as a coroner at the time the individual is sworn into the office of coroner.

6 (b) The board shall issue a license in medicolegal investigation to an individual
7 who is a non-physician medical examiner at the time the individual is appointed to
8 the position of medical examiner.

9 (c) The board shall issue a license in medicolegal investigation to a medicolegal
10 investigation staff member at the time the individual is hired by a coroner or medical
11 examiner as a medicolegal investigation staff member.

12 (d) A license issued under par. (a), (b), or (c) is permanent unless revoked under
13 sub. (4) (a).

****NOTE: I provided that a license is permanent unless revoked, unlike most other credentials, which must be renewed on a two-year cycle with statutorily set renewal dates. Is this consistent with your intent?

14 (e) No fee is required for a license issued under par. (a), (b), or (c).

****NOTE: Most credentials require an initial fee. I provided that no such fee is required for a license issued by the board under this subsection. Is that consistent with your intent?

15 (3) EDUCATION REQUIREMENTS. (a) Except as provided in par. (c), each coroner,
16 non-physician medical examiner, and medicolegal investigation staff member who
17 possesses a license in medicolegal investigation issued under sub. (2) shall satisfy all
18 of the following requirements:

1 1. In the 2-year period beginning on the date of being sworn in, appointed, or
2 hired, and in each 2-year period thereafter, complete 24 hours of education as
3 prescribed by the board.

4 2. In the 2-year period beginning on the date of being sworn in, appointed, or
5 hired, satisfy any of the following:

6 a. In addition to the hours of education specified in subd. 1., complete 16 hours
7 of education as prescribed by the board.

8 b. Obtain a waiver in the method described under par. (b).

9 (b) The board may grant a waiver of the education requirement under par. (a)

10 2. a. to a coroner, non-physician medical examiner, or medicolegal investigation staff
11 member who holds a credential, in good standing, from a nationally recognized
12 accreditation organization specializing in death investigation education and who
13 applies to the board for a waiver from the additional education requirement under
14 par. (a) 2. a. in the method prescribed by the board.

15 (c) A coroner who is appointed to fill a vacancy and who has less than 2 years
16 remaining in the term of office shall complete a prorated share of the 40 combined
17 hours of education required under par. (a) 1. and 2. a. ^{less any hours waived under subd. 2, b, 5} based on the amount of time
18 remaining in the term, as determined by the board. If the coroner is reelected after
19 completing a portion of a term of office, the coroner shall complete 40 hours of
20 education in the first 2 years after being sworn in following the first election but may
21 subtract from the 40 hours any hours in excess of 24 hours of education completed
22 while serving the remainder of the preceding term of office.

****NOTE: Please review this language as we had not specifically discussed what happens in the event of a coroner appointment to fill a vacancy. I drafted this because I presumed that the start of a 2-year period should generally coincide with the beginning of a term of office to make things easier to keep track of.

- (1) (d) Each coroner, nonphysician medical examiner, and medicolegal investigation staff member licensed under sub. (2) (a), (b), or (c) shall report any completed hours of education that are required under this subsection to the board, in the manner prescribed by the board.

***NOTE: This requires licensees to notify the board about completion of education requirements so that the board can monitor compliance with education requirements and knows whether it needs to revoke a license. Is this consistent with your intent?

- (4) LICENSE REVOCATION. (a) The board shall revoke the license of any coroner, nonphysician medical examiner, or medicolegal investigation staff member licensed under sub. (2) (a), (b), or (c) who does not fulfill the requirements under sub. (3) (a) to (c).

- (b) If the board revokes a license under par. (a), the board shall do all of the following:

1. If the holder of the revoked license is a coroner, send a statement to the governor recommending removal of the coroner from office because of the license revocation.

- (14) 2. If the holder of the revoked license is a nonphysician medical examiner, send a statement to the county board or county executive, if applicable, of any county in which the individual serves recommending dismissal of the nonphysician medical examiner because of license revocation.

3. If the holder of the revoked license is a medicolegal investigation staff member, send a notice to the office in which the individual works notifying the coroner or medical examiner of the license revocation.

- (5) OPTIONAL LICENSE. (a) The board may issue a license in medicolegal investigation to an individual who satisfies all of the following criteria:

1 1. The individual successfully completes 40 hours of education, as prescribed
2 by the board, and any additional requirements set by the board.

3 2. The individual applies to the board for a license in the manner prescribed
4 by the board.

5 3. The individual pays any licensing fee set by the board. If a licensing fee is
6 imposed, the board shall set that fee at an amount commensurate with the cost of
7 issuing licenses and monitoring compliance with the requirements under this
8 subsection.

9 (b) A license issued under par. (a) is permanent unless revoked under par. (c).

 ****NOTE: I provided that a license is permanent unless revoked, unlike most other
 credentials which must be renewed every two years. Is this consistent with your intent?

10 (c) The board shall revoke a license in medicolegal investigation issued under
11 par. (a) issued to an individual who fails to do any of the following:

12 1. Obtain 24 hours of education, as prescribed by the board, in each 2-year
13 period after the date of issuance of the license.

14 2. Fulfill any other requirements of licensure as prescribed by the board.

 ****NOTE: How, if at all, do you want to address individuals who obtain a license
 under this subsection and then are appointed, elected, or hired, making them eligible for
 a license under sub. (2)?

15 (d) Each individual who holds a license issued under par. (a) shall report any
16 completed hours of education that are required under this subsection to the board,
17 in the manner prescribed by the board.

 ****NOTE: This requires licensees to notify the board about completion of education
 requirements so that the board knows whether it needs to revoke a license. Is this
 consistent with your intent?

18 **SECTION 10. Nonstatutory provisions.**

19 (1) EXAMINING BOARD; INITIAL TERMS. Notwithstanding the length of terms
20 specified for the members of the medicolegal investigation examining board under

1 section 15.405 (18) of the statutes, as created by this act, 3 of the initial members
2 shall be appointed for terms expiring on May 1, 2015, 3 of the initial members shall
3 be appointed for terms expiring on May 1, 2016, 3 of the initial members shall be
4 appointed for terms expiring on May 1, 2017, and the remaining 2 initial members
5 shall be appointed for terms expiring on May 1, 2018.

****NOTE: As is our practice, I provided for staggering of the terms of the initial board members. If you would like them to be staggered in a different way, or if you would like to specify which members must be appointed when, let me know.

CREATE
AR 3

create AR 1

create AR 2

6 (2) CURRENTLY SERVING INDIVIDUALS. (a) In this subsection:

7 1. "Medical examiner" means a non~~physician~~ medical examiner or a physician
8 medical examiner.

9 2. "Medicolegal investigation staff member" includes a chief deputy coroner, a
10 deputy coroner, a deputy medical examiner, a medicolegal investigator, and any
11 individual who assists the office of a coroner or medical examiner with an
12 investigation of a death. "Medicolegal investigation staff member" does not include
13 an individual performing solely administrative functions in the office of a coroner or
14 medical examiner.

15 3. "Non~~physician~~ medical examiner" means an appointed medical examiner
16 who is not a physician.

17 4. "Physician" has the meaning given in section 448.01 (5) of the statutes.

18 5. "Physician medical examiner" means an appointed medical examiner who
19 is a physician.

20 (b) Notwithstanding section 463.10 (2) of the statutes, as created by this act,
21 the medicolegal investigation examining board shall issue a license in medicolegal
22 investigation to every individual who is serving as coroner, non~~physician~~ medical

1 examiner, and medicolegal investigation staff member in this state on the effective
2 date of this paragraph.

3 (c) Notwithstanding section 463.10 (2) (a) 1. and 2. (intro.) of the statutes, as
4 created by this act, and except as provided in paragraph (d), for a non³physician
5 medical examiner, medicolegal investigation staff member, or coroner who is issued
6 a license under paragraph (b), the 2-year period, for purposes of section 463.10 (2)
7 (a) 1. and 2. (intro.) of the statutes, as created by this act, begins on on the effective
8 date of this paragraph.

9 (d) A coroner who is issued a license under paragraph (b) who has less than 2
10 years remaining in the term of office on the effective date of this paragraph and who
11 is unable to satisfy the education requirements described under section 463.10 (3)
12 (a) 1. and 2. ^{a.} of the statutes, as created by this act, shall complete a prorated share
13 of the 40 hours of education required under section 463.10 (3) (a) 1. and 2. a. of the
14 statutes, as created by this act, ^{less any hours waived under section 463.10 (3) (a) 2. b.} based on the amount of time remaining in the term,
15 as determined by the medicolegal investigation examining board. If reelected, the
16 coroner shall complete 40 hours of education in the first 2 years after being sworn
17 in following the next election but may subtract from the 40 hours any hours in excess
18 of 24 hours of education completed while serving the remainder of the preceding term
19 of office.

of the statutes
as created by this act

****NOTE: These nonstatutory provisions address individuals who are currently serving in office or as staff at the time the licensure requirement goes into effect because the statute only addresses licensure of newly elected, appointed, or hired individuals but requires a license to perform the investigations. Please advise if you would like these individuals handled differently.

20 (3) EDUCATION. The medicolegal investigation examining board shall enter into
21 a contract with a person to perform the temporary function of educating coroners,

1 medical examiners, and medicolegal investigation staff members and local
2 governments about the requirements of this chapter.

****NOTE: Does this provision reflect your intent? How long would the education under this provision be conducted? If it would extend beyond July 1, 2016, this provision should be placed in the statutes.

3 **SECTION 11. Effective date.**

4 (1) This act takes effect on the first day of the 13th month beginning after
5 publication.

****NOTE: To provide time for appointment of the board, creation of the training programs and education requirements, and other elements of the draft, there should be a delayed effective date. I have inserted a one-year delay for purposes of discussion, but you may want to discuss with DSPS to determine how long it would take to implement the requirements in this draft.

6 (END)

^ as defined in subsection (AR1) (AR2) AR3 ^
↑ ↑ ↑
Autorefs
from p. 10

Duchek, Michael

From: Franzen, Karl
Sent: Tuesday, July 02, 2013 4:50 PM
To: Duchek, Michael
Subject: FW: Coroner questions

Michael –

Sorry for the delay. My answers with back and forth for clarity.

There are some references in the draft to “training,” notably a requirement to establish training centers. Is “training” meant to be synonymous with education or is it something different (i.e., does it refer to the mandatory education)? If it is the same thing, I would recommend changing references to “training” to “education”/“educational.” Otherwise it looks like “training” and “education” are two different things.

“Training” and “education” are different. “Training” is going to refer to the initial 40-hour requirement that will be selected by the Board and will essentially be a concise certification course. “Education” refers to the 24 hours of continuing education needed after initial “training” is obtained, also determined by Board, but broader and more flexible, including conferences, etc.

- a. I understand. Since there is this distinction between training and education, I would like to make this more clear in the draft and label them as such. Is that OK? Or, as I said, I could just use “education” because training is in a sense a type of education. I don’t think it really matters, but let me know your preference.

We prefer a distinction.

- b. Following up on that—should the “regional training centers” be called “regional training and education centers”? If not, and if the intent is that the regional training centers only be temporary for this biennium, we may want to move them to a nonstatutory provision because we don’t want to leave an ongoing requirement if they aren’t going to have these training centers beyond the biennium.

We want to convey that training should be completed regionally; however, the Board and DSPS will be determining training coordination. Therefore, rather than specifying centers, about about “coordinate regional training and education described...”

Speaking of the training centers, will all education be provided in the training centers or will there be privately-offered education that would count toward the requirements? If so, could one get reimbursed for taking a private education course or is the subsidized education only for the education offered through the training centers? Let me know if you need me to explain this further or if the premise of my question is off somehow.

Both the training and especially education could conceivably be received privately or even outside of Wisconsin, however for this purpose, there should not be reimbursement for that. The initial round of trainings are to be free to coroners/counties. The intent is that training will be provided over the course of the biennium to get all existing coroners up to speed; however, once that is complete, future training for new coroners and education for existing coroners will be at their cost, unless future funding is secured.

I understand. However, is there going to be *ongoing* state-provided training/education *after* the biennium? In that case it sounds like individuals would be paying the state for their education and I need to make sure there is an appropriation for the money people pay the state for their education so it goes to somewhere, otherwise it would be the general fund. And if there will be ongoing state-provided training/education, the draft should provide the Board with authority to conduct training and charge fees for that training/education. However, if it will all be privately provided after that point, then we might be OK without that.

We would want to assume that DSPS will continue coordination and provision of training. Therefore, yes – authority to conduct and charge with revenue staying with DSPS to cover training costs.

On page 5, please compare paragraph (a) (lines 11-12) and paragraph (e) (lines 17-19). These provisions seem to overlap a bit. I would recommend rewording paragraph (e) to eliminate any redundancy. I assume the reference to "instructors" would be referring to instructors who teach mandatory educational courses (but see also question 2, above)? So my recommendation would be to possibly change paragraph (e) to just say "Certify instructors to who may provide the education described under 463.10 (3) and (4)."

I agree there is overlap in the "approving curricula" aspect. As far as your re-wording suggestion for (e): The Board would not be certifying instructors, rather approving the certifications necessary for instruction. Likely, the board will approve a nationally recognized certification that will satisfy the training. The organization that actually develops that training will determine the certification process for the training instructors. By approving that curriculum for the training, the Board will approve those certified to teach it as instructors for our purpose...does that make sense? Therefore, what if (e) was changed to just drop "approve curricula"?

Could we say something like "(e) Approving certification standards for instructors to conduct the education [and training] required under s. 463.10 (3) and (4)."? Or is there something else in this paragraph that is still needed?

Yes, see above for coordination

Is the term "medicolegal investigator" as used on page 4, line 22 and page 10, line 12 redundant? I ask because it is not defined and the draft already references a chief deputy coroner, a deputy coroner, a deputy medical examiner, and any individual who assists the office of a coroner or medical examiner. Are there medicolegal investigators who fall outside of these roles? If you want to keep the reference to "medicolegal investigator," can it be defined or can we somehow explain what that is that is distinct from the other listed people?

Medicolegal investigator is an industry term and understood in that industry as someone who conducts a death investigation. It is redundant in these sentences because of the catch all language "any individual who assists the office of a coroner or medical examiner **with an investigation of a death**" (bold being the important part of that phrase)

I agree and I assume this means it's OK to delete the reference to "medicolegal investigator" then. If not, let me know.

Delete

Also, after consulting with DSPS about the technological abilities of DSPS to do licensing terms specific to individual or fixed, we are going to make the 4 year licenses fixed term consistent with coroner elections (really their start dates after the election). This would create issue of partial licenses with any appointed/partial terms and medical examiners. In these cases, if more than a year remains to renewal date, the 40 hour training would apply. If there is under a year, a license would be issued with no training/education requirement.

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Thanks,

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From: Duchek, Michael
Sent: Tuesday, June 25, 2013 11:09 AM
To: Franzen, Karl
Subject: Coroner questions

Karl,

I am finishing a /P2 draft of your coroner bill. I have a number of additional questions that came up, and thought you could answer a few now before I get it out to you:

- 1.) There are some references in the draft to "training," notably a requirement to establish training centers. Is "training" meant to be synonymous with education or is it something different (i.e., does it refer to the mandatory education)? If it is the same thing, I would recommend changing references to "training" to "education"/"educational." Otherwise it looks like "training" and "education" are two different things.
- 2.) Speaking of the training centers, will all education be provided in the training centers or will there be privately-offered education that would count toward the requirements? If so, could one get reimbursed for taking a private education course or is the subsidized education only for the education offered through the training centers? Let me know if you need me to explain this further or if the premise of my question is off somehow.
- 3.) On page 5, please compare paragraph (a) (lines 11-12) and paragraph (e) (lines 17-19). These provisions seem to overlap a bit. I would recommend rewording paragraph (e) to eliminate any redundancy. I assume the reference to "instructors" would be referring to instructors who teach mandatory educational courses (but see also question 2, above)? So my recommendation would be to possibly change paragraph (e) to just say "Certify instructors to who may provide the education described under 463.10 (3) and (4)."
- 1.) Is the term "medicolegal investigator" as used on page 4, line 22 and page 10, line 12 redundant? I ask because it is not defined and the draft already references a chief deputy coroner, a deputy coroner, a deputy medical examiner, and any individual who assists the office of a coroner or medical examiner. Are there medicolegal investigators who fall outside of these roles? If you want to keep the reference to "medicolegal investigator," can it be defined or can we somehow explain what that is that is distinct from the other listed people?

Any questions about my questions, let me know.

Mike Duchek
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-0130

Duchek, Michael

From: Franzen, Karl
Sent: Friday, June 14, 2013 5:09 PM
To: Duchek, Michael
Subject: RE: Coroner changes

Hi Michael,

Keep appropriation.

Renewal dates should be 2 years, individual to the person being licensed. Therefore, if someone gets licensed June 14, 2013, then it would expire June 14, 2015.

We understand that most DSPS licenses have a fee. While we want them to start at no-fee, the board should have the authority to set a fee in the future.

LRB 2478

Page 2, Line 12: The public member will adhere to provisions of s. 15.08 (1m)

Page 2, Line 20: We are going to see what the fiscal comes back as, rather than define appropriation in the bill.

Does this mean you want us to put zeroes here instead? You could then insert the amounts later, via an amendment if necessary.

Page 3, Line 6: We are going to eliminate the Cadaver Dog

Page 4, Lines 2-4: Yes, create exemption so that board determines license fee, not DSPS

Page 6, Line 2 (second note): Penalty for unlicensed death investigation consistent with penalties under s. 979.01 (2)

Page 6, Lines 14-15: We do not want to make the license permanent unless revoked, rather make renewing.

Most DSPS/credentialing board credentials are issued on a 2-year basis with a set renewal date (such as "July 1 of the even-numbered year). Please confirm how long you want a license to be valid and what kind of renewal date you would like.

Page 6, Line 16: No fee for initial license; however, board should be able to revisit

I am not sure what you mean by "board should be able to revisit." Please clarify.

Page 7, Lines 17-25: License length is independent of office...no pro-rating is necessary. Keep 2 years.

Page 8, Lines 1-4: It is up to the coroner/ME to provide the department with documentation.

Page 9, Line 11: I think it should be a reissued credential, consistent with others

Same question as above

Page 9, Line 16 (note): Trainings at 2 year intervals are specific to individuals, not to terms of office....similar to reasoning above regarding pro-rated training requirements.

Page 9, Line 19: Yes, non-coroners/MEs licensed by DSPS have responsibility to informing DSPS of training

Page 10, Lines 1-7: Lets space differently There 4 natural groups of interests on the board: 1 – coroner, ME, forensic pathologist; 2 – Sheriff, police, counties; 3 – DA, AG, Public Defender 4 – funeral director, public member Draft such that that there are new people every two years, so first terms would expire 2016; 2018; 2020 (assuming start 2014). The 2020 group would ME; AG; Counties/2018 – Coroner; Sheriff; Public Defender; funeral Director/2016 – Forensic path; Police; DA; Public. In other words, one from each group each time but spaced out so it is not every single year.

Page 11, Line 10-19: The pro-rated training requirement is not necessary.

Page 11, Line 20-Page 12, Line 2: Cut out this project position but clarify that DSPS will provide education to coroners.

Duchek, Michael

From: Franzen, Karl
Sent: Monday, June 17, 2013 9:41 AM
To: Duchek, Michael
Subject: RE: Coroner changes

Michael,

Thanks. I'm okay with separate. We will want to review again prior to combining, if possible. Thanks. I understand the time demands of the budget, but would appreciate updates if anything unusual comes up.

Karl F. Franzen
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-----Original Message-----

From: Duchek, Michael
Sent: Friday, June 14, 2013 9:58 PM
To: Franzen, Karl
Subject: RE: Coroner changes

Thanks Karl. Having a variable renewal date would be unusual but we should be able to draft it. Budget takes priority right now but I will try to get something out to you soon with those changes. I will keep the two drafts separate for now to expedite things but if you really prefer a combined draft next let me know and we can do it but it might take a little longer than if I keep them separate.

Mike

-----Original Message-----

From: Franzen, Karl
Sent: Fri 6/14/2013 5:08 PM
To: Duchek, Michael
Subject: RE: Coroner changes

Hi Michael,

Keep appropriation.

Renewal dates should be 2 years, individual to the person being licensed. Therefore, if someone gets licensed June 14, 2013, then it would expire June 14, 2015.

We understand that most DSPS licenses have a fee. While we want them to start at no-fee, the board should have the authority to set a fee in the future.

LRB 2478

Page 2, Line 12: The public member will adhere to provisions of s. 15.08 (1m) Page 2, Line 20: We are going to see what the fiscal comes back as, rather than define appropriation in the bill.

Does this mean you want us to put zeroes here instead? You could then insert the amounts later, via an amendment if necessary.

Page 3, Line 6: We are going to eliminate the Cadaver Dog Page 4, Lines 2-4: Yes, create exemption so that board determines license fee, not DSPS Page 6, Line 2 (second note): Penalty for unlicensed death investigation consistent with penalties under s. 979.01 (2) Page 6, Lines 14-15: We do not want to make the license permanent unless revoked, rather make renewing.

Most DSPS/credentialing board credentials are issued on a 2-year basis with a set renewal date (such as "July 1 of the even-numbered year). Please confirm how long you want a license to be valid and what kind of renewal date you would like.

Page 6, Line 16: No fee for initial license; however, board should be able to revisit I am not sure what you mean by "board should be able to revisit." Please clarify.

Page 7, Lines 17-25: License length is independent of office.no pro-rating is necessary. Keep 2 years.

Page 8, Lines 1-4: It is up to the coroner/ME to provide the department with documentation.

Page 9, Line 11: I think it should be a reissued credential, consistent with others Same question as above Page 9, Line 16 (note): Trainings at 2 year intervals are specific to individuals, not to terms of office..similar to reasoning above regarding pro-rated training requirements.

Page 9, Line 19: Yes, non-coroners/MEs licensed by DSPS have responsibility to informing DSPS of training Page 10, Lines 1-7: Lets space differently There 4 natural groups of interests on the board: 1 - coroner, ME, forensic pathologist; 2 - Sheriff, police, counties; 3 - DA, AG, Public Defender 4 - funeral director, public member Draft such that that there are new people every two years, so first terms would expire 2016; 2018; 2020 (assuming start 2014). The 2020 group would ME; AG; Counties/2018 - Coroner; Sheriff; Public Defender; funeral Director/2016 - Forensic path; Police; DA; Public. In other words, one from each group each time but spaced out so it is not every single year.

Page 11, Line 10-19: The pro-rated training requirement is not necessary.

Page 11, Line 20-Page 12, Line 2: Cut out this project position but clarify that DSPS will provide education to coroners.

Duchek, Michael

From: Franzen, Karl
Sent: Wednesday, June 19, 2013 1:44 PM
To: Dodge, Tamara; Duchek, Michael
Subject: Coroner License Term

I apologize for the change; however, we would like the license to be a 4 year license, as opposed to two. The number of training hours remain the same – 40 for new licensees, 24 for renewals, but over a 4 year. Please let me know if you have questions.

Thank you.

Karl F. Franzen
Office of Rep. Amy Sue Vruwink
State Capitol, Room 112 North
P.O. Box 8953, Madison, WI 53708-8953
608-266-8366 (office) | 888-534-0070 (toll free)
karl.franzen@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE

In 6-19-13

Inserts



LRB-2478/P2
TJD&MED:sac

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger

1 **AN ACT to amend** 20.165 (1) (g), 440.03 (9) (a) (intro.), 440.05 (intro.) and 440.08
2 (2) (a) (intro.); and **to create** 15.405 (18), 20.165 (1) (b), 440.03 (9) (bm) and
3 chapter 463 of the statutes; **relating to:** creating a medicolegal investigation
4 examining board; licensure of coroners, medical examiners, and medicolegal
5 investigation staff members; granting rule-making authority; and making an
6 appropriation; and providing a penalty

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

CRIMETAG

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 15.405 (18) of the statutes is created to read:
8 15.405 (18) MEDICOLEGAL INVESTIGATION EXAMINING BOARD. There is created a
9 medicolegal investigation examining board in the department of safety and

professional services that shall consist of the following members appointed for 6-year terms:

(a) One coroner, one medical examiner, and one forensic pathologist, each of whom are members of the Wisconsin Coroners and Medical Examiners Association.

(b) One licensed funeral director.

(c) One member of the Wisconsin District Attorneys' Association.

(d) One member of the Wisconsin Sheriffs and Deputy Sheriffs Association.

(e) One member of the Wisconsin Chiefs of Police Association.

(f) One member of the Wisconsin Counties Association.

(g) The attorney general or his or her designee.

(h) The state public defender or his or her designee.

(i) One public member.

****NOTE: Note that the public member appointed to the board will be subject to the provisions in s. 15.08 (1m), stats. If that person should be exempted from any of those provisions, let me know.

SECTION 2. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

| | 2013-14 | 2014-15 |
|---|---------|---------|
| 20.165 Safety and professional services, | | |
| department of, | | |

(1) PROFESSIONAL REGULATION AND ADMINISTRATIVE SERVICES

(b) *Medicolegal investigation*

examining boards GPR B 750,000 750,000

****NOTE: By law, unless there is an emergency, this bill may not pass until after the budget.

****NOTE: Please confirm that this is the appropriate type of appropriation you want created and how much money you want specified in each fiscal year, for purposes of base budgeting in succeeding fiscal biennia.

SECTION 3. 20.165 (1) (b) of the statutes is created to read:

20.165 (1) (b) *Medicolegal investigation examining board*. Biennially, the amounts in the schedule to provide the first 40 hours of education for each licensed coroner, nonphysician medical examiner, and medicolegal investigation staff member under s. 463.10; to establish regional training centers under s. 463.05 (1) (b); to obtain, accredit, and provide for handling for a cadaver dog; and to provide support to the medicolegal investigation examining board in the performance of its duties and functions.

SECTION 4. 20.165 (1) (g) of the statutes is amended to read:

20.165 (1) (g) *General program operations*. The amounts in the schedule for the licensing, rule making, and regulatory functions of the department, other than the licensing, rule-making, and credentialing functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board and except for preparing, administering, and grading examinations. Ninety percent of all moneys received under chs. 440 to 480, except ~~ch.~~ chs. 448 and 463, ss. 440.03 (13), 440.05 (1) (b), and 446.02 (3) (a), less \$10 of each renewal fee received under s. 452.12 (5), and all moneys transferred from the appropriation under par. (i) and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

SECTION 5. 440.03 (9) (a) (intro.) of the statutes is amended to read:

440.03 (9) (a) Subject to pars. (b) and (c) and except as provided in par. (bm), the department shall, biennially, determine each fee for an initial credential for which no examination is required, for a reciprocal credential, and for a credential renewal by doing all of the following:

****NOTE: For most other credentials, DSPS establishes initial credential fees and renewal fees using the process under s. 440.03 (9) (a). I therefore created an exemption from this provision. Is that OK?

1 SECTION 6. 440.03 (9) (bm) of the statutes is created to read:

2 440.03 (9) (bm) The medicolegal investigation examining board may ^{determine} set the
3 amount of fees ^{any} ^{imposed} for licenses issued under s. 463.10 (5) (a), in accordance with s. 463.10
4 (5) (a) 3. ^e 463.05 (2) (a).

5 SECTION 7. 440.05 (intro.) of the statutes is amended to read:

6 440.05 Standard fees. (intro.) The following standard fees apply to all initial
7 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.11, 463.05 (2) (a)
8 446.02 (2) (c), 447.04 (2) (c) 2., 449.17 (1m) (d), and 449.18 (2) (d), and 463.10 (2) (e)
9 and (5) (a) 3. ^e Ins 4-10

10 SECTION 8. 440.08 (2) (a) (intro.) of the statutes is amended to read:

11 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
12 444.03, 444.11, 447.04 (2) (c) 2., 448.065, 449.17 (1m) (d), and 449.18 (2) (d), and
13 463.10 (2) (d) and (5) (b) the renewal dates for credentials are as follows:

14 SECTION 9. Chapter 463 of the statutes is created to read:

15 CHAPTER 463

16 MEDICOLEGAL INVESTIGATION

17 463.01 Definitions. In this chapter:

18 (1) "Board" means the medicolegal investigation examining board.

19 (2) "Medical examiner" means a nonphysician medical examiner or a physician
20 medical examiner.

21 (3) "Medicolegal investigation staff member" includes a chief deputy coroner,
22 a deputy coroner, a deputy medical examiner, a medicolegal investigator, and any
23 individual who assists the office of a coroner or medical examiner with an

1 investigation of a death. "Medicolegal investigation staff member" does not include
2 an individual performing solely administrative functions in the office of a coroner or
3 medical examiner.

4 (4) "Nonphysician medical examiner" means an appointed medical examiner
5 who is not a physician.

6 (5) "Physician" has the meaning given in s. 448.01 (5).

7 (6) "Physician medical examiner" means an appointed medical examiner who
8 is a physician.

9 **463.05 Powers and duties of board.** (1) DUTIES. The board shall do all of
10 the following:

11 (a) Promulgate rules specifying standards and curricula for the educational
12 requirements for individuals who possess a license in medicolegal investigation.

13 (b) Ensure proper accreditation and handling of a cadaver dog.

14 (c) Establish regional training centers to provide the education described in s.

15 463.10 (3) and (5). ⁽⁴⁾

16 (d) Monitor compliance with the licensure requirements under this chapter.

17 (e) ^{lc} Oversee coordination of training and standards for coroners, medical
18 examiners, and medicolegal investigation staff members by certifying instructors
19 and approving curricula.

20 (2) POWERS. The board may ^{do any of the following:} promulgate ^{Ins 5-20} and enforce any rules not inconsistent
21 with this chapter to enforce this chapter.

22 **463.10 License required; requirements to maintain license.** (1) LICENSE
23 REQUIRED. (a) Except as provided in par. (b), no person may perform a death
24 investigation or perform the functions of a coroner, medical examiner, or medicolegal

Insert
S-19A

Ins
from p.
8

Insert
S-19
B

1 investigation staff member without a license in medicolegal investigation issued
2 under this ~~chapter~~ ^{section}.

****NOTE: Do you want to specify in further detail what a death investigation is?

****NOTE: Do you want to specify penalties for a violation of this provision, or for violations of other provisions in this chapter?

3 (b) A physician medical examiner is not required to have a medicolegal
4 investigation license issued under this chapter.

5 (2) ISSUING OF LICENSES. (a) ^{Initial license.} The board shall issue a license in medicolegal
6 investigation to an individual who is elected as a coroner or appointed to fill a
7 vacancy as a coroner at the time the individual is sworn into the office of coroner.

8 (b) The board shall issue a license in medicolegal investigation to an individual
9 who is a nonphysician medical examiner at the time the individual is appointed to
10 the position of medical examiner.

11 (c) The board shall issue a license in medicolegal investigation to a medicolegal
12 investigation staff member at the time the individual is hired by a coroner or medical
13 examiner as a medicolegal investigation staff member.

14 (d) A license issued under par. (a), (b), or (c) is permanent unless revoked under
15 sub. (4) (a).

****NOTE: I provided that a license is permanent unless revoked, unlike most other credentials, which must be renewed on a two-year cycle with statutorily set renewal dates. Is this consistent with your intent?

16 (e) No fee is required for a license issued under par. (a), (b), or (c).

****NOTE: Most credentials require an initial fee. I provided that no such fee is required for a license issued by the board under this subsection. Is that consistent with your intent?

17 (3) EDUCATION REQUIREMENTS. (a) Except as provided in par. (c), each coroner,
18 nonphysician medical examiner, and medicolegal investigation staff member who

1 possesses a license in medicolegal investigation issued under sub. (2) shall satisfy all
2 of the following requirements:

3 1. In the ⁴year period beginning on the date ^{the license is issued} of being sworn in, appointed, or
4 hired, and in each ⁴year period thereafter, complete 24 hours of education as
5 prescribed by the board.

6 2. In the ⁴year period beginning on the date ^{the license is issued} of being sworn in, appointed, or
7 hired, satisfy any of the following:

8 a. In addition to the hours of education specified in subd. 1., complete 16 hours
9 of education as prescribed by the board.

10 b. Obtain a waiver in the method described under par. (b).

11 (b) The board may grant a waiver of the education requirement under par. (a)

12 2. a. to a coroner, nonphysician medical examiner, or medicolegal investigation staff
13 member who holds a credential, in good standing, from a nationally recognized
14 accreditation organization specializing in death investigation education and who
15 applies to the board for a waiver from the additional education requirement under
16 par. (a) 2. a. in the method prescribed by the board.

17 (c) A coroner who is appointed to fill a vacancy and who has less than 2 years
18 remaining in the term of office shall complete a prorated share of the 40 combined
19 hours of education required under par. (a) 1. and 2. a., less any hours waived under
20 subd. 2. b., based on the amount of time remaining in the term, as determined by the
21 board. If the coroner is reelected after completing a portion of a term of office, the
22 coroner shall complete 40 hours of education in the first 2 years after being sworn
23 in following the first election but may subtract from the 40 hours any hours in excess
24 of 24 hours of education completed while serving the remainder of the preceding term
25 of office.

****NOTE: Please review this language as we had not specifically discussed what happens in the event of a coroner appointment to fill a vacancy. I drafted this because I presumed that the start of a 2-year period should generally coincide with the beginning of a term of office to make things easier to keep track of.

- 1 (d) Each coroner, nonphysician medical examiner, and medicolegal
2 investigation staff member licensed under sub. (2) (a), (b), or (c) shall report any
3 completed hours of education that are required under this subsection to the board
4 in the manner prescribed by the board.

****NOTE: This requires licensees to notify the board about completion of education requirements so that the board can monitor compliance with education requirements and knows whether it needs to revoke a license. Is this consistent with your intent?

- 5 (4) LICENSE REVOCATION. (a) The board shall revoke the license of any coroner,
6 nonphysician medical examiner, or medicolegal investigation staff member licensed
7 under sub. (2) (a), (b), or (c) who does not fulfill the requirements under sub.
8 (3) (a) to (c).

- 9 (b) If the board revokes a license under par. (a), the board shall do all of the
10 following:

- 11 1. If the holder of the revoked license is a coroner, send a statement to the
12 governor recommending removal of the coroner from office because of the ^{coroner's failure to renew the} license
13 revocation.

- 14 2. If the holder of the revoked license is a nonphysician medical examiner, send
15 a statement to the county board or county executive, if applicable, of any county in
16 which the individual serves recommending dismissal of the nonphysician medical
17 examiner because of ^{the nonphysician medical examiner's failure to renew the} license revocation.

- 18 3. If the holder of the revoked license is a medicolegal investigation staff
19 member, send a notice to the office in which the individual works notifying the
20 coroner or medical examiner of the ^{staff member's failure to renew the} license revocation.

Move to p. 5

q (4)
(5)

Initial license.

(5) OPTIONAL LICENSE. (a) The board may issue a license in medicolegal investigation to an individual who satisfies all of the following criteria:

1. The individual successfully completes 40 hours of education, as prescribed by the board, and any additional requirements set by the board.

2. The individual applies to the board for a license in the manner prescribed by the board.

3. The individual pays any licensing fee ^{imposed} set by the board. If a licensing fee is imposed, the board shall set that fee at an amount commensurate with the cost of issuing licenses and monitoring compliance with the requirements under this subsection. ^{g under s. 463.05 (2)(a)}

(b) A license issued under par. (a) is permanent unless revoked under par. (c).

****NOTE: I provided that a license is permanent unless revoked, unlike most other credentials which must be renewed every two years. Is this consistent with your intent?

(c) The board shall revoke a license in medicolegal investigation issued under par. (a) issued to an individual who fails to do any of the following:

1. Obtain 24 hours of education, as prescribed by the board, in each 2-year period after the date of issuance of the license.

2. Fulfill any other requirements of licensure as prescribed by the board.

****NOTE: How, if at all, do you want to address individuals who obtain a license under this subsection and then are appointed, elected, or hired, making them eligible for a license under sub. (2)?

(d) Each individual who holds a license issued under par. (a) shall report any completed hours of education that are required under this subsection to the board, in the manner prescribed by the board.

****NOTE: This requires licensees to notify the board about completion of education requirements so that the board knows whether it needs to revoke a license. Is this consistent with your intent?

SECTION 10. Nonstatutory provisions.

Ins 9-19

Ins 9-11

9 Ins 10-1

1 (1) EXAMINING BOARD; INITIAL TERMS. Notwithstanding the length of terms
2 specified for the members of the medicolegal investigation examining board under
3 section 15.405 (18) of the statutes, as created by this act, 3 of the initial members
4 shall be appointed for terms expiring on May 1, 2015, 3 of the initial members shall
5 be appointed for terms expiring on May 1, 2016, 3 of the initial members shall be
6 appointed for terms expiring on May 1, 2017, and the remaining 2 initial members
7 shall be appointed for terms expiring on May 1, 2018.

****NOTE: As is our practice, I provided for staggering of the terms of the initial
board members. If you would like them to be staggered in a different way, or if you would
like to specify which members must be appointed when, let me know.

8 (2) CURRENTLY SERVING INDIVIDUALS. (a) In this subsection:

9 1. "Medical examiner" means a nonphysician medical examiner or a physician
10 medical examiner.

11 2. "Medicolegal investigation staff member" includes a chief deputy coroner, a
12 deputy coroner, a deputy medical examiner, a medicolegal investigator, and any
13 individual who assists the office of a coroner or medical examiner with an
14 investigation of a death. "Medicolegal investigation staff member" does not include
15 an individual performing solely administrative functions in the office of a coroner or
16 medical examiner.

17 3. "Nonphysician medical examiner" means an appointed medical examiner
18 who is not a physician.

19 4. "Physician" has the meaning given in section 448.01 (5) of the statutes.

20 5. "Physician medical examiner" means an appointed medical examiner who
21 is a physician.

22 (b) Notwithstanding section 463.10 (2) of the statutes, as created by this act,
23 the medicolegal investigation examining board shall issue ^{an initial} license in medicolegal

1 investigation to every individual who is serving as coroner, nonphysician medical
2 examiner, and medicolegal investigation staff member in this state on the effective
3 date of this paragraph. (Ins 11-3)

4 (c) Notwithstanding section 463.10 (2)(a) 1. and 2. (intro.) of the statutes, as
5 created by this act, and except as provided in paragraph (d), for a nonphysician
6 medical examiner, medicolegal investigation staff member, or coroner who is issued
7 a license under paragraph (b), the ²2-year period, for purposes of section 463.10 (2)
8 (a) 1. and 2. (intro.) of the statutes, as created by this act, begins on on the effective
9 date of this paragraph.

10 (d) A coroner who is issued a license under paragraph (b) who has less than 2
11 years remaining in the term of office on the effective date of this paragraph shall
12 complete a prorated share of the 40 hours of education required under section 463.10
13 (3) (a) 1. and 2. a. of the statutes, as created by this act, less any hours waived under
14 section 463.10 (3) (a) 2. b. of the statutes, as created by this act, based on the amount
15 of time remaining in the term, as determined by the medicolegal investigation
16 examining board. If reelected, the coroner shall complete 40 hours of education in
17 the first 2 years after being sworn in following the next election but may subtract
18 from the 40 hours any hours in excess of 24 hours of education completed while
19 serving the remainder of the preceding term of office.

****NOTE: These nonstatutory provisions address individuals who are currently
serving in office or as staff at the time the licensure requirement goes into effect because
the statute only addresses licensure of newly elected, appointed, or hired individuals but
requires a license to perform the investigations. Please advise if you would like these
individuals handled differently.

20 (3) EDUCATION. The medicolegal investigation examining board shall enter into
21 a contract with a person to perform the temporary function of educating coroners,

1 medical examiners, and medicolegal investigation staff members, as defined in
2 subsection (2) (a) 2., and local governments about the requirements of this chapter.

****NOTE: Does this provision reflect your intent? How long would the education
under this provision be conducted? If it would extend beyond July 1, 2016, this provision
should be placed in the statutes.

3 **SECTION 11. Effective date.**

4 (1) This act takes effect on the first day of the 13th month beginning after
5 publication.

****NOTE: To provide time for appointment of the board, creation of the training
programs and education requirements, and other elements of the draft, there should be
a delayed effective date. I have inserted a one-year delay for purposes of discussion, but
you may want to discuss with DSPS to determine how long it would take to implement
the requirements in this draft.

6 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2478/P2ins
MED:.....

INSERT 4-10

- 1 **SECTION 1.** 440.08 (2) (a) 46t. of the statutes is created to read:
2 440.08 (2) (a) 46t. Medicolegal investigation: ^{2e4}2 years from the date of issuance
3 of the initial license and, for subsequent renewals, every ^{2e4}2 years thereafter.

INSERT 5-19A

- 4 (e) If a license issued under s. 463.10 is not renewed, do whichever of the
5 following is applicable with respect to the holder of the license:

INSERT 5-19B

* ****NOTE: Because you said that the license should be renewable on a ^{2e4}2-year cycle and that the Board may in the future require a licensure fee, I had to restructure a number of provisions. Now, submitting compliance with the educational requirements and any required fee are conditions of renewal (as is typically the case with other credentials) and the Board must notify the Governor, county board, or office of the failure to renew the license, instead of having the Board revoke the license. Are these changes OK?

 ****NOTE: Nothing in the bill requires the Board to be notified when an individual who must be licensed is elected, hired, or appointed, and nothing requires the Board to be notified if such an individual leaves his or her position. Do you want anything in the bill to address this?

INSERT 5-20

- 6 (a) Impose fees for initial licenses or for license renewals under s. 463.10 (2) and
7 (4). If the board imposes any fee under this paragraph, the board shall set the fee
8 at an amount commensurate with the cost of issuing licenses and monitoring
9 compliance with the requirements under this section.

 ****NOTE: Please review this provision, which allows the Board to establish licensing fees for initial licenses and license renewals. Does this accomplish your intent? Also, note that, as drafted, SECTION 4 of the bill directs that all licensure fees would be deposited directly into the general fund and SECTION 5 provides an independent, biennial GPR appropriation. Do you instead want to direct those fees for the functions of the Board created in the bill?

- 10 (b) Promulgate

INSERT 6-2

****NOTE: See created section 463.15, below, which makes it a misdemeanor to practice as a coroner, medical examiner, or medicolegal investigation staff member without a license or to perform a death investigation without a license. Since performing death investigations is presumably one of the functions of coroners, medical examiners, and medicolegal investigation staff members, would it make more sense to remove the reference to performing a death investigation without a license? Do you want to specify in further detail what the functions of a coroner, medical examiner, or medicolegal investigation staff member are, for purposes of this provision?

INSERT 6-6

not

1 if all of the following are satisfied:

2 1. The individual is elected as a coroner, is appointed to fill a vacancy as a
3 coroner, is appointed to the position of medical examiner and is not a physician, or
4 is hired by a coroner or medical examiner to serve as a medicolegal investigation staff
5 member.

6 2. The individual pays any fee imposed by the board under s. 463.05 (2) (a).

7 (b) *License renewal.* The renewal date for a license issued under this subsection
8 is specified under s. 440.08 (2) (a), and the fee for renewal of a license, if any, is
9 determined by the board under s. 463.05 (2) (a). Before any renewal license is
10 delivered to an individual, the individual shall furnish to the board proof of
11 completing all hours of education that are required under sub. (3) (a), subject to any
12 waiver granted under sub. (3) (b).

INSERT 9-11

13 (b) *License renewal.* The renewal date for a license issued under this subsection
14 is specified under s. 440.08 (2) (a), and the fee for renewal of a license, if any, is
15 determined by the board under s. 463.05 (2) (a). Before any renewal license is
16 delivered to an individual, the individual shall do all of the following:

17 1. Furnish to the board proof of completing, in the 2nd-year period preceding the
18 renewal date, the educational requirement under sub. (3) (a) 1.

1 2.

INSERT 9-19

2 **463.15 Penalty.** Any person who violates s. 463.10 (1) (a) shall be fined not
3 more than \$1,000 or imprisoned not more than 90 days.

INSERT 10-1

4 ~~6~~ EXAMINING BOARD; INITIAL TERMS. Notwithstanding the length of terms
5 specified for the members of the medicolegal investigation examining board under
6 section 15.405 (18) of the statutes, as created by this act, initial appointments to the
7 medicolegal investigation examining board shall be made as follows:

8 (a) The forensic pathologist member under section 15.405 (18) (a) of the
9 statutes, as created by this act; the member under section 15.405 (18) (c) of the
10 statutes, as created by this act; the member under section 15.405 (18) (e) of the
11 statutes, as created by this act; and the member under section 15.405 (18) (i) of the
12 statutes, as created by this act, shall be appointed for terms expiring on May 1, 2016.

13 (b) The coroner member under section 15.405 (18) (a) of the statutes, as created
14 by this act; the member under section 15.405 (18) (b) of the statutes, as created by
15 this act; the member under section 15.405 (18) (d) of the statutes, as created by this
16 act; and the member under section 15.405 (18) (h) of the statutes, as created by this
17 act, shall be appointed for terms expiring on May 1, 2018.

18 (c) The medical examiner member under section 15.405 (18) (a) of the statutes,
19 as created by this act; the member under section 15.405 (18) (f) of the statutes, as
20 created by this act; and the member under section 15.405 (18) (g) of the statutes, as
21 created by this act, shall be appointed for terms expiring on May 1, 2020.

INSERT 11-4 3

- 1 No fee may be charged for an initial license issued under this paragraph.